

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:06 CR 125- 11
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
ROMULO HERNANDEZ,)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
)	<u>REFERRAL TO U. S. PROBATION</u>
Defendant)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Baughman regarding the change of plea hearing and plea agreement of which was referred to the Magistrate Judge with the consent of the parties.

On May 9, 2006, the government filed a thirty-six count superseding indictment against the Defendant Hernandez and 25 co-defendants. Defendant Hernandez was charged with Conspiracy to Smuggle Aliens into and within the United States, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I); Conspiracy to Commit Mail Fraud, Wire Fraud, Document Fraud, and Structuring Financial Transactions, in violation of Title 18 United States Code, Section 371. On January 22, 2007, a hearing was held in which Defendant Hernandez was arraigned and entered a plea of guilty to count 1 of the Superseding Indictment before Magistrate

Judge William H. Baughman, Jr. and a Report and Recommendation (“R&R”) was issued concerning whether the plea should be accepted and a finding of guilty entered. Magistrate Judge Baughman filed his R&R on January 22, 2007.

Neither party submitted objections to the Magistrate Judge’s R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge’s R&R is adopted. Defendant Hernandez is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Hernandez is adjudged guilty of Count One of the Superseding Indictment, in violation of Title 8 United States Code, Section 1324(a)(1)(A)(v)(I).

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR. _____
UNITED STATES DISTRICT JUDGE